

Harbor Pointe HOA Special Meeting (on Rules for Solar Panels)

Minutes: November 14, 2022

Due to Covid-19 restrictions and concerns, HOA Board Meetings are being held by ZOOM.

President Jim Carmany called the HOA's Special Board Meeting to order at 6:00p. Other Board Members present: Gary Rafool, Anne Dickison, Mike Kiernan, Greg Smith, Denny Klein, and Isaac Imig. Six additional homeowners participated in this Zoom (representing five households). Jim Carmany presented eight signed proxy votes and Mike Kiernan presented an additional signed proxy. With 12 homeowners (including the Board) present on the Zoom plus the 9 proxy votes, a total of 21 voting members were represented. 20% (or twelve) homeowners constitutes a quorum of homeowners to be present virtually or by proxy to pass motions on governance. Gary Rafool asked to have the Minutes reflect that a quorum was present to vote on the proposed Rule circulated to all homeowners in advance of this Special Meeting as specified by the ByLaws.

Draft Rules, Regulations, and Energy Policy Statement:

Document that Core3 Property Management distributed to all Harbor Pointe homeowners October 26, 2022:

Solar Panel Rules, Regulations and Energy Policy Statement

1. The Board hereby acknowledges, accepts and encourages the use, terms and conditions of Illinois Statute 765 ILCS 165, as has been, or may hereafter be, implemented from time to time by the Illinois General Assembly, and it hereby establishes these Rules, Regulations and the HOA's Energy Policy Statement.
2. Any present or future owner of any Unit In Harbor Pointe that does not have a shared roof (defined by Illinois Statutes as one that does not serve more than one Unit, including, but not limited to, a contiguous roof serving adjacent Units) may submit in writing to the Board, through its Property Management Company, Core3, which is currently located at 751 W. Joan Court, Peoria, Illinois 61614, telephone number 309-839-0743, e-mail "appeoria@core3pm.com", an Application to install and maintain, at the owner's sole expense, solar panels on the roof of the owner's single roof Unit, including attached garages, together with appropriate or requested documents, including, but not limited to, a copy of the proposal from Legacy Solar to be executed by the owner for obtaining, installing and maintaining said solar panels, drawings of the placement of said solar panels, descriptions and photos reflecting the size of the panels and their height over the roof of said Unit or garage, their color and shape, a written statement executed by the owner that no work will begin until Legacy Solar and the owner have obtained all required permits, including a written architectural feasibility approval and written approval by all Governmental agencies that its standards and requirements have been met by said owner, and that the owner may proceed.
3. The Board shall within 30 days after receiving the above owner's written request and attached documents make a written determination as to the approval or rejection of that owner's request stating its reasons for any rejection, together with any alternative suggestions the Board might make, provided those other suggestions do not diminish or reduce the expected production of the requested solar system by 10% or more, as determined by the HOA's preferred design and installation company, Solar Legacy.

4. The Board, in its review of an owner's application, may consult with the roofing company then servicing its Units, which company is presently Massey Roofing of Peoria, Illinois, and/or with its preferred solar design and installation company, Solar Legacy or SunPower (the company making the solar panels), as well as with representatives of the City of East Peoria and/or the State of Illinois.
5. Should the owner, after Board approval, install solar panels on the roof of the owner's Unit, including an attached garage roof, the owner shall be solely responsible for all lease, sale or other payments for the lease or purchase of said solar panel system, as well as for all of their maintenance and upkeep. In addition, the owner shall at all times hold the HOA harmless from any liens against said Unit or attached garage and from any such payments or obligations under the owner's leasing or purchasing agreement.
6. The owner shall, at the owner's sole expense, pay for all maintenance of said solar panel system, and for the removal and reinstallation of said solar panel systems if the Board, in its sole discretion, determines that the roof under the panels needs repairs and/or replacement, and that any damage to the Unit's roof, attached garage roof, or to other outside structures and landscaping caused by said removal and replacement shall be repaired to satisfaction of the Board at the owner's sole expense.
7. Should the present or any subsequent owner of the Unit or the owner's bank, seller or other financial institution choose to remove the solar panel systems from said Unit, for any reason, any and all damage to the roof of said Unit, attached garage, or to any outside structures and/or to landscaping shall be immediately repaired to the Board's sole approval by the party causing said removal.
8. Owner shall, immediately after completion of a solar panel system, add to the owner's homeowner's insurance policy coverage for all parts of the installed solar panel system. The owner will immediately thereafter provide to the HOA Board, through its Property Management Company, Core3, written confirmation thereof from the owner's insurance company that the solar panel system is covered for fire, water, wind, hail, etc. damage. Owner shall simultaneously acknowledge in writing that the installed solar panel system is not by any means covered by any HOA insurance, and that the HOA is not responsible in any way for any present or future repair or maintenance of the owner's solar panel system.
9. Should it become necessary for the Board to enforce any provisions contained herein against any owner, an owner's purchaser(s), successors, assigns, lessors, sellers or financial institutions, Paragraph 15 of the HOA's 2017 Rules shall become effective, including the collection of attorneys's fees, court costs and/or other expenses incurred by the Board in its enforcement.

Discussion:

Jim Carmany opened the floor for discussion. Anne Dickison asked for a better clarification on what was meant by a "shared roof" as it would seem that in Harbor Pointe, all duplexes and townhouses share roofs with at least one neighbor. After giving background about his various communications with the multiple entities involved, Jim indicated that "sharing a roof" was a vertical restriction, not a contiguous restriction, so that the "shared roof" limitations only applied to stacked units under a single owner's roof. Each half of a duplex, for example, could still opt to install solar paneling without the consent from owners of the other half or violate limitations imposed by the various regulatory agencies, roofing companies, or solar installers. The HOA's proposed Rule was intended to serve as a framework to modify in the future if necessary as our experience with solar energy and regulatory bodies evolved and practical matters declared themselves.

Anne also asked about the suitability for solar panel installation on roofs of the detached garages. In her case, her home unit was not well oriented to receive adequate sun exposure, but panels installed on her free-standing garage might add to her overall harvest and thus justify the expense. Jim responded that the banks of garages operated on a common electric meter, so before an individual homeowner could coalesce solar energy credits, the bank of detached garages would have to be re-metered at the garage owner's expense, and billed individually. Doing this would be labor-intensive, confusing, and not a contribution towards energy savings due to the garage roof's small footprint versus the high costs of conversion.

Additional clarifications or reiterations about the responsibilities of sellers and buyers; the interactions between solar installation companies, roofers, and homeowners; and the HOA's distancing from problems resulting from solar installation were offered by Jim and Gary. That this proposed Rule was being put forth as groundwork, and was merely a step to open the door to operational options of the future was emphasized.

With that, Jim called for a motion from the floor, and Gary responded with his prepared statement:

"I move, pursuant to Article IV, Section 10, of Harbor Pointe's 2021 By Laws, that the Board adopt the new solar panel Rules, Regulations and Energy Policy Statement as sent to all Board members and owners by Core3, our Property Manager, on October 26, 2022, together with the notice of this zoom special Board meeting, as well as a proxy."

The motion was seconded by Greg Smith, and unanimously approved by the Board.

Gary Rafool then immediately made a second motion in compliance with the HOA Bylaws' 60-day rule for discussion and dissent:

"I move that our HOA President be allowed to execute a verification, under oath, of the Board's adoption of Harbor Pointe's solar panel Rules, Regulations and Energy Policy Statement after its effective date of on or after February 1, 2023, and that he give these then verified and effective solar panel Rules, Regulations and Energy Policy Statement to our Board Secretary for posting in the Harbor Pointe web site."

The second motion was again seconded by Greg Smith, and unanimously approved by the Board.

Motion to Adjourn:

A motion to adjourn the Special Meeting of the HOA Board of Directors was made at 6:30p by Gary Rafool, seconded by Greg Smith, and approved by all. Tentatively, after the required 60-day pause for any formalized and qualifying actions of dissent, tonight's approved **Solar Panel Rules, Regulations, and Energy Policy Statement** will be certified and notarized on February 1, 2023. The next ZOOM HOA Board meeting will take place on Monday, April 17, 2023, at **6:00p**. Core3 will send out the link. During the conjoined April Meeting and Annual Meeting of HOA Members, an Election of Officers and confirmation of Board Assignments will be on the Agenda.

Respectfully submitted,
Anne Dickison, Secretary